

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 324

AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-19-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]:

Chapter 3.5. Construction Permits and Plan Review

Sec. 1. As used in this chapter, "applicant" means a person that applies for a construction permit under this chapter.

Sec. 2. As used in this chapter, "application" means an application for a construction permit and any supporting plans and specifications.

Sec. 3. As used in this chapter, "division" means the division of fire and building safety established by IC 10-19-7-1.

Sec. 4. As used in this chapter, "plan review" means a review of plans for construction, modification, or installation of a project to determine if the plans comply with the state department's rules.

Sec. 5. As used in this chapter, "project" means a project:

- (1) that involves an improvement to real property; and
- (2) for which a construction permit is required to be obtained from the state department before the start of construction, installation, or modification of improvements to the real property.

The term includes only project types regulated under 410 IAC 6-12.



Sec. 6. The state department shall provide notice under this chapter by:

- (1) first class mail; or**
- (2) electronic mail.**

Sec. 7. The state department shall accept an application for a construction permit that is submitted by an applicant by either of the following methods:

- (1) The applicant may submit an application to the division that is a combined application for:**
 - (A) a construction permit under this chapter; and**
 - (B) a design release under IC 22-15-3.**
- (2) The applicant may submit separate applications for:**
 - (A) a construction permit to the state department; and**
 - (B) a design release under IC 22-15-3 to the division.**

Not later than the next business day, the division shall provide a copy of the application submitted under subdivision (1) to the state department to initiate processing of the construction permit under this chapter.

Sec. 8. (a) Upon receiving a complete application for a construction permit, the state department shall notify the applicant not later than the next business day of all the following:

- (1) The assigned project number.**
- (2) Instructions on submitting any required documentation.**
- (3) The contact information for the person performing the plan review, including any person, entity, or local health department that is delegated a plan review as provided in section 12 of this chapter.**

(b) Not later than thirty (30) business days after the date a complete application is received by the state department, the state department shall:

- (1) conduct a plan review; and**
- (2) notify the applicant that:**
 - (A) the plans and specifications have been approved; or**
 - (B) a construction permit will not be issued until the applicant submits corrections to the plans or specifications.**

If the plans and specifications are approved, the state department shall issue the construction permit to the applicant not later than the thirty-first business day after the application is received.

Sec. 9. If the state department does not notify an applicant under section 8 of this chapter within thirty (30) business days after the application is received:

- (1) the application is approved as submitted; and**



(2) the state department shall, not later than the thirty-first business day after the date the application is received, provide the construction permit to the applicant.

Sec. 10. (a) If the state department receives corrections to a plan in response to a notice sent under section 8(b)(2)(B) of this chapter, and any time the state department receives corrections to a notice under subdivision (2) thereafter, the state department shall do one (1) of the following:

(1) Not later than ten (10) business days, or fifteen (15) business days if agreed upon by the applicant and the state department, after receiving the corrections, send notice to the applicant that the corrected plans as submitted have been approved for a construction permit. The state department shall, not later than the next business day after the date that notice is sent to the applicant, provide the applicant with a construction permit.

(2) Not later than ten (10) business days, or fifteen (15) business days if agreed upon by the applicant and the state department, after receiving the corrections, send notice to the applicant that a construction permit will not be issued until the applicant submits additional corrections. However, if the applicant does not receive the notice within the period specified in this subdivision:

(A) the application is approved as submitted; and

(B) the state department shall, not later than the eleventh or sixteenth business day after the date that the corrections were received by the state department, whichever is applicable, provide the applicant with a construction permit.

(b) A review under this section is limited to:

(1) the corrections required by the state department under the notice sent under section 8(b)(2)(B) of this chapter or subsection (a)(2); and

(2) any revisions made to the plan that have not been reviewed, regardless of whether those revisions were requested under section 8(b)(2)(B) of this chapter or subsection (a)(2).

All other parts of a project not directly related to corrections or revisions described in subdivision (1) or (2), including previously completed corrections or revisions that the state department has already accepted, are considered approved for a construction permit and may not be included in subsequent notice requests sent



under this section.

Sec. 11. The state department may not deny a construction permit based upon noncompliance or suspected noncompliance with a rule adopted under the authority of the fire prevention and building safety commission established by IC 22-12-2-1.

Sec. 12. (a) The state department may:

- (1) contract with a person to perform the state department's plan review responsibilities under this chapter; or**
- (2) refer the plan review to a local health department.**

(b) A person, entity, or local health department under subsection (a) that performs a plan review delegated by the state department under this chapter is subject to this chapter to the same extent as the state department. If the person, entity, or local health department fails to meet the required plan review and notification deadlines under this chapter, the state department shall approve the application as submitted and issue the applicant a construction permit.

SECTION 2. IC 16-41-26-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 15. A construction permit issued by the state department for an agricultural labor camp under 410 IAC 6-9 is issued in accordance with IC 16-19-3.5.

SECTION 3. IC 16-41-27-22, AS AMENDED BY P.L.113-2014, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 22. (a) The construction of a new mobile home community or alteration of an existing mobile home community shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department in accordance with IC 16-19-3.5.

(b) A public water system may not be constructed or altered in a new or existing mobile home community until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the environmental rules board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home community until:

- (1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and**
- (2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been**



forwarded to and approved by the environmental commissioner under rules adopted by the environmental rules board.

SECTION 4. IC 22-13-2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 4.1. (a) This section applies only to a plan review for a design release performed:**

- (1) before construction of a Class 1 structure; and**
- (2) to determine compliance with the rules of the commission.**

(b) This section does not apply to a plan review for the issuance of a building permit, an improvement permit, a fire protection system permit, or any other permit issued by a state agency or a city, town, or county.

(c) A plan review for a design release must be:

- (1) authorized under IC 22-15-3; and**
- (2) performed in compliance with the rules and objective criteria adopted by the commission under IC 22-15-3-1.**

(d) If the commission has certified that a city, town, or county is qualified to perform a plan review for a design release under IC 22-15-3, both of the following may perform the plan review for a design release:

- (1) The division of fire and building safety.**
- (2) The city, town, or county.**

However, only the entity described in subdivision (1) or (2) that performs the initial plan review for a design release may charge a fee for the plan review for a design release. The other entity shall not charge a fee for the plan review for a design release.

SECTION 5. IC 22-13-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) The commission shall adopt building rules that allow a person to convert a building or other structure, in whole or in part, from one (1) class of occupancy and use established under the commission's rules to another without complying with all of the commission's rules governing new construction.**

(b) The rules adopted under this section must protect the public from significant health hazards and safety hazards.

(c) Subject to subsection (b), the rules must promote the following:

- (1) The preservation of architecturally significant and historically significant parts of buildings and other structures.**
- (2) The economically efficient reuse of buildings and other structures.**

(3) The preservation and use of commercial buildings located within:



(A) the downtown of a local unit; and

(B) a designated historic district.

Before the effective date of the commission's rules, the commission's policies must promote the preservation and use of commercial buildings as set forth in subdivision (3).

(d) The rules adopted under this section may condition an exemption upon:

(1) passing an inspection conducted by the department; and

(2) paying the fee set under IC 22-12-6-6.

SECTION 6. IC 22-13-5-2, AS AMENDED BY P.L.218-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) **Except as provided under subsection (c),** upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

(1) an interested person submits a written request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and

(2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 7. IC 22-15-3-1, AS AMENDED BY P.L.218-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) The state building commissioner **or a city, town, or county certified under subsection (d)** shall issue a design release for ~~(†)~~ the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter. ~~and (2)~~

(b) The state building commissioner shall issue a design release for the fabrication of an industrial building system or mobile structure



under section 4 of this chapter.

(b) The state building commissioner may issue a design release based on a plan review performed by a city, town, or county if:

- (1) the state building commissioner has certified that the city, town, or county is competent; and
- (2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

(c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

(d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b):

(d) The commission may certify a city, town, or county as qualified to issue design releases, if the city, town, or county:

- (1) is competent under the commission's objective criteria; and
- (2) has adopted the rules of the commission under IC 22-13-2-3.

(e) A city, town, or county that is certified by the commission under subsection (d) may issue design releases. A design release issued by a certified city, town, or county must be:

- (1) in accordance with the commission's objective criteria; and
- (2) for a construction type for which the city, town, or county is certified.

All records held by a certified city, town, or county that pertain to the design release must be submitted to the division to be held in a central repository.

SECTION 8. IC 22-15-3.2-6, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) An applicant for a design release shall submit an application meeting the requirements of IC 22-15-3 to the division.

(b) This subsection applies only to an applicant for a design release for a project listed in 410 IAC 6-12-7 for which the applicant must obtain a construction permit from the state department of health under IC 16-19-3.5. After December 31, 2016, an applicant may submit a combined application to the division that is an application for:

- (1) a construction permit under IC 16-19-3.5; and
- (2) a design release under this chapter.

Not later than the next business day after receiving the combined



application, the division shall provide a copy of the application to the state department of health.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" means the state department of health established by IC 16-19-1-1.

(b) As used in this SECTION, "division" means the division of fire and building safety established by IC 10-19-7-1.

(c) Not later than December 31, 2016, the department and the division shall do the following:

(1) Create a combined application form so that a person may concurrently apply for:

(A) a design release under IC 22-15-3; and

(B) a construction permit under IC 16-19-3.5, as added by this act.

(2) Create, implement, and maintain a process, system, or agreement that enables the division to:

(A) transfer to the department; or

(B) make accessible to the department;

within one (1) business day of receipt, applications for construction permits and design releases and any relevant data and documents;

in accordance with IC 16-19-3.5, as added by this act, and IC 22-15-3.2, as amended by this act.

(d) This SECTION expires July 1, 2017.

SECTION 10. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

